

*Before the*  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

In the Matter of )

Fees for Ancillary or Supplementary )

Use of Digital Television Spectrum )

Pursuant to Section 336(e)(1) )

of the Telecommunications Act of 1996 )

MM Docket No. 97-247

**REQUEST FOR EXTENSION OF TIME TO FILE REPLY COMMENTS**

The Office of Communication of the United Church of Christ, the Benton Foundation, the Center for Media Education, the Civil Rights Forum and the Media Access Project ("UCC, *et al.*") respectfully request a 60 day extension within which to file reply comments in the above docket. Under such an extension, reply comments would be due on August 3, 1998.

UCC, *et al.* submit that there is good cause for grant of this request.

UCC, *et al.* request this extension so that it can seek to hire an economist to examine, analyze and respond to the various economic studies filed by a number of parties in this docket. The National Association of Broadcasters ("NAB"), the Association of Local Television Stations ("ALTV"), ABC, Inc. and Fox Television Stations each submitted detailed economic and other studies. The one month time period given for reply comments is insufficient both for an effective analysis of these four reports, and also to provide time for counsel to incorporate them into reply comments. The NAB itself pointed to the complexity of the issues in successfully obtaining an extension of the initial comment date. *See Order Granting Extension of Time for Filing Comments*, DA 98-354 (released February 23, 1998).

Grant of the extension would not prejudice any party. Nor would it delay a decision that is otherwise time-sensitive. The first digital TV signals will not be broadcast until November,

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1998, and there is no expectation that those first signals will be other than free-over the air television. The broadcast industry comments confirm this expectation, and also confirm that it is unlikely that ancillary and supplementary services will be provided anytime soon thereafter.

As NAB states:

[T]he Commission should be mindful of the limitations imposed on its decision by the embryonic nature of digital television. The attentions of most television broadcasters are now focused on meeting the Commission's ambitious schedule for rolling out digital service across the country. *Few, if any, have even begun to develop plans for ancillary and supplementary services, much less business plans for such services.* Thus, Broadcasters are unable to provide an answer to the Commission's request...for information about the types of ancillary services that stations might provide or the level of revenues that might be expected from such services.

NAB Comments at 3. [Emphasis added.] Similarly, ALTV comments:

The Commission faces a daunting task. It is navigating a treasure ship on an uncharted sea with limited visibility and no radar, LORAN or GPS. Few digital stations are on the air. *Ancillary and supplementary services remain gleams in the eyes of engineers and entrepreneurs.* Even those stations with well-defined plans for such services hardly are anxious to share proprietary business plans with the world. Therefore, although the statutory criteria are clear, they must be applied in a factual vacuum.

ALTV Comments at 2. See Joint Comments of Cox, *et al.* at 2 ("[I]t is much too soon to attempt to establish a fee program,...The DTV ancillary services 'industry' is barely in its infancy.")<sup>1</sup>

There is no pressing need for the Commission to decide this matter quickly. Thus, the benefits to be derived from the requested extensions far outweigh any possible disruption in the Commission's schedule. Given the uncertainty the industry parties have expressed about the future of ancillary and supplementary services, and the Commission's increasing reliance on eco-

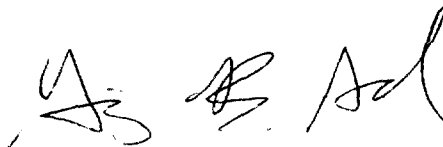
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<sup>1</sup>In addition, NAB asks the Commission to refrain from collecting fees for ancillary and supplementary services until two years "after a broadcaster first receives revenue from each such service." NAB Comments at 13. Cox, *et al.*, ask for a five year grace period. Cox, *et al.* Comments at 5.

nomic studies, the information UCC, *et al.* seek to submit will assist both the parties and the Commission in deciding how to structure a fee program that meets the statutory goals of Section 336(e) of the 1996 Act.

Wherefore, UCC, *et al.* request that the Commission grant an extension of 60 days to permit submission of reply comments no later than August 3, 1998 and that it grant any other relief as may be just and proper.

Sincerely,



Gigi B. Sohn  
Andrew Jay Schwartzman  
Cheryl A. Leanza

**MEDIA ACCESS PROJECT**  
1707 L Street, NW  
Suite 400  
Washington, DC

*Counsel for UCC, et al.*

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